

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|---|---------------------------|---|---|---------------------------------|
| Investigator: Leanne Fornelli | Team: Team # 1 | CCRB Case #: 201207877 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Monday, 06/18/2012 4:33 PM | Location of Incident: in front of 191 Broad Street | Precinct: 120 | 18 Mo. SOL 12/18/2013 | EO SOL 12/18/2013 | |
| Date/Time CV Reported Tue, 06/19/2012 8:25 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 06/19/2012 8:25 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. POM Michael Alfieri | 14875 | 942938 | 120 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. SGT Robert Clemenza | 00320 | 923676 | 120 PCT |
| 2. POM Daniel Keating | 07560 | 935095 | 120 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POM Michael Alfieri | Discourtesy: PO Michael Alfieri spoke discourteously to § 87(2)(b) | |
| B.POM Michael Alfieri | Abuse: PO Michael Alfieri searched the car in which § 87(2)(b) was an occupant. | |
| C.POM Michael Alfieri | Abuse: PO Michael Alfieri searched § 87(2)(b) | |

Case Summary

On June 19, 2012, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via telephone (encl. 3a-3b). On June 18, 2012, at approximately 4:33 p.m., § 87(2)(b) was issued a summons for double parking and a summons for parking at a fire hydrant in front of 191 Broad Street in Staten Island by an officer identified via the investigation as PO Michael Alfieri of the 120th Precinct. The following allegations resulted from the interaction between § 87(2)(b) and PO Alfieri:

Allegation A: Discourtesy: PO Michael Alfieri spoke discourteously to § 87(2)(b)

§ 87(2)(g)

Allegation B: Abuse: PO Michael Alfieri searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

Allegation C: Abuse: PO Michael Alfieri searched § 87(2)(b)

§ 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black male who stands § 87(2)(b). At the time of the interview, § 87(2)(b) was a § 87(2)(b).

CCRB Statement

On June 19, 2012, § 87(2)(b) left a message on the call processing system concerning this incident. On June 21, 2012, § 87(2)(b) provided a phone statement to the CCRB (encl. 4a). On July 16, 2012, § 87(2)(b) provided a statement at the CCRB (encl. 4b-4h). On October 10, 2012, § 87(2)(b) provided additional information over the telephone. § 87(2)(g)

On June 18, 2012, at approximately 4:33 p.m., § 87(2)(b) pulled up in front of 191 Broad Street, located between Tompkins Street and Gordon Avenue in Staten Island, in a 2004 black Honda Senica SUV. § 87(2)(b) was with a friend, § 87(2)(b) who was seated in the passenger's seat and § 87(2)(b) § 87(2)(b) year old daughter, § 87(2)(b) who was in a car seat directly behind § 87(2)(b). § 87(2)(b) was wearing basketball sneakers, a white tee shirt and basketball shorts with pockets that contained keys. § 87(2)(b) was coming from Stapleton Park, where he had been playing basketball, and was headed to the pizzeria, identified via the investigation as Three Brothers Pizzeria at 189 Broad Street.

§ 87(2)(b) pulled up and was waiting for another vehicle to exit a parking spot. While § 87(2)(b) was waiting, § 87(2)(b) exited the car and opened the rear passenger side door to take § 87(2)(b) out of her car seat. A basketball rolled out of the car, hit the curb and went toward

the middle of the street. § 87(2)(b) exited the car and retrieved the basketball from the street, which had stopped approximately one foot from the car. As § 87(2)(b) was reentering his vehicle, a marked patrol car facing Tompkins drove toward him and § 87(2)(b) locked eyes with the driver, identified via the investigation as PO Michael Alfieri (white male, approximately 5'8", approximately 190 lbs., bald with very little black hair, in his thirties), as it went by. § 87(2)(b) entered his vehicle from the driver's door, and tossed the basketball over his shoulder into the backseat of his vehicle and pulled up in preparation to pull into the parking spot he had been waiting for. Before § 87(2)(b) could pull into the parking spot, PO Alfieri, who had executed a U-turn in the patrol car, pulled up behind § 87(2)(b) and blocked him from entering the parking spot without turning on the patrol car's lights or using the PA system.

As § 87(2)(b) waited for PO Alfieri to move the patrol car, § 87(2)(b) § 87(2)(b) who was on the sidewalk with § 87(2)(b) approximately two feet away from the car, began to cry because § 87(2)(b) had not exited the car. § 87(2)(b) exited his vehicle to take § 87(2)(b) § 87(2)(b) from § 87(2)(b) who was holding her, in order to console her. PO Alfieri then exited the patrol vehicle, walked to the rear of § 87(2)(b)'s car and began to write a summons. PO Alfieri walked to the front of § 87(2)(b)'s vehicle on the driver's side in order to see the information displayed on the windshield and continued writing the summons. § 87(2)(b) with § 87(2)(b) § 87(2)(b) still in his right arm and his left hand at his side, walked closer to his car and asked PO Alfieri why he was being issued a summons. PO Alfieri responded that the summons was for double parking. § 87(2)(b) reminded PO Alfieri that he was looking directly at him while he was preparing to pull into the parking spot and told PO Alfieri that he was harassing him and being very unfair. PO Alfieri said, "Just back the fuck up." § 87(2)(b) reminded PO Alfieri that he was cursing in front of his daughter. PO Alfieri said he did not care and reordered § 87(2)(b) to "back the fuck up" and said he would be issuing another summons for being parked at a fire hydrant, where § 87(2)(b)'s car was located because he was unable to pull into the parking spot. § 87(2)(b) said he had family on the police force and would not pay the tickets. PO Alfieri asked § 87(2)(b) for his license as he wrote § 87(2)(b) a second summons for being parked at a hydrant. § 87(2)(b) refused to give PO Alfieri his license because he felt that this was unneeded to write the parking ticket, information he shared with PO Alfieri. In his phone statement, § 87(2)(b) stated that PO Alfieri responded by calling him a "wise ass."

PO Alfieri came around the back of § 87(2)(b)'s vehicle and walked towards § 87(2)(b) § 87(2)(b) began to back up towards the pizzeria. PO Alfieri said he would treat § 87(2)(b) as if he did not have a license. PO Alfieri, with his left arm, grabbed § 87(2)(b)'s right arm in which § 87(2)(b) § 87(2)(b) was being held. PO Alfieri yanked § 87(2)(b)'s arm, causing § 87(2)(b) § 87(2)(b) to almost fall out of his arms. § 87(2)(b) caught § 87(2)(b) § 87(2)(b) before she could fall and ensured that she was securely in § 87(2)(b)'s arms. PO Alfieri continued to pull § 87(2)(b)'s right arm with his left hand and push § 87(2)(b) in the chest with his right hand in attempts to get § 87(2)(b)'s back away from the wall. § 87(2)(b) told PO Alfieri that he would get his license from his car. PO Alfieri kept a hold on § 87(2)(b)'s arm and § 87(2)(b) handed § 87(2)(b) § 87(2)(b) to § 87(2)(b) as they walked to § 87(2)(b)'s vehicle. § 87(2)(b) opened the front passenger door and opened the glove box. PO Alfieri yanked § 87(2)(b)'s shirt with his left hand by the collar in the back and told § 87(2)(b) to hurry up. § 87(2)(b) explained that he was trying to retrieve the license and took his black Perry Ellis wallet with three compartments out of the glove box. § 87(2)(b) attempted to take his identification out of his wallet, but PO Alfieri took § 87(2)(b)'s wallet from his hands and began looking into the three compartments, behind cards and through the papers and pictures inside the wallet. § 87(2)(b)'s identification was obtained during this search. In his phone statement, § 87(2)(b) § 87(2)(b) said that PO Alfieri called him an "asshole" and a "piece of shit" while searching his wallet, allegations he did not mention in his CCRB interview.

§ 87(2)(b) noticed that PO Alfieri's partner, identified via the investigation as SGT Robert Clemenza (white male, approximately 5'9", approximately 200 lbs., in his mid-forties, gold shield) of the 120th Precinct, had exited the vehicle and was standing next to the patrol car.

At this point, the interaction drew a crowd of about 25 people, none of which § 87(2)(b) could provide contact information for. PO Alfieri briefly looked through § 87(2)(b)'s glove box by leaning in moving objects around inside. § 87(2)(b) had a blue Ralph Lauren Polo cologne bottle, a charger, papers and approximately four to five CDs inside the glove box. PO Alfieri then backed out of the vehicle and continued to look inside § 87(2)(b)'s wallet. § 87(2)(b) informed PO Alfieri that his actions were illegal, but PO Alfieri did not respond.

After PO Alfieri finished looking through § 87(2)(b)'s wallet, approximately four more marked patrol cars arrive at the scene. A uniformed officer, PO3 (white male for which § 87(2)(b) did not recall further descriptive information), pulled § 87(2)(b) aside and told him to calm down and explained that police officers had jobs to do. § 87(2)(b) said that police officers were not supposed to abuse their authority. PO3 responded by advising § 87(2)(b) to take the summonses and contest them in court. In his CCRB interview, § 87(2)(b) said that he spoke with two officers at this point, but later clarified that it was only one. PO Alfieri walked to the front of § 87(2)(b)'s car and threw the summonses, § 87(2)(b)'s wallet and the contents of the wallet through § 87(2)(b)'s open vehicle window so that it landed on the seat. PO Alfieri reentered his patrol car with SGT Clemenza and drove away. The entire incident lasted approximately fifteen to twenty minutes.

Attempts to Contact Civilians

- Between August 3, 2012, and October 1, 2012, five attempts were made to contact § 87(2)(b) via telephone. A voicemail was left on the first three calls. The phone number was temporarily disconnected for the last two calls. On August 6, 2012, and August 13, 2012, two please call letters were sent to § 87(2)(b) and both were returned by the United States Postal Service (USPS) for an insufficient address (encl. 9g-9h). On October 2, 2012, a LexisNexis search revealed two possible addresses and no phone numbers for § 87(2)(b). On October 2, 2012, and October 9, 2012, two please call letters were sent to each of these addresses and neither were returned by the USPS (encl. 9i-9l).
- Between August 3, 2012, and August 13, 2012, five attempt were made to contact the manager of Three Brother's Pizzeria to determine if there are cameras outside the business. Each time, the manager was not available and the unidentified individual who answered the phone did not know if there were cameras outside the business. On August 7, 2012, the same unidentified individual answered the phone and stated that he did not witness any incident between a police officer and a civilian on the date of the incident.
- § 87(2)(b) could not provide any other names and contact information for witnesses of this incident.

NYPD Statements:

Subject Officer: PO MICHAEL ALFIERI

- *PO Alfieri, who has since been promoted to the rank of sergeant, is a § 87(2)(b) male who stands § 87(2)(b) es.*
- *On the date of the incident, PO Alfieri was assigned to patrol with SGT Clemenza. He was on duty from 3:00 p.m. until 11:35 p.m., was in uniform, and was assigned to marked car number 3524.*

Memo Book

PO Alfieri noted in his memo book (encl. 5a-5c) that at 4:33 p.m., he issued two parking summonses for double parking and blocking a fire hydrant (summons numbers § 87(2)(b) respectively) to § 87(2)(b). He noted that the vehicle was observed double parked for thirty seconds and then § 87(2)(b) moved his vehicle into a parking lane, but three feet

from a fire hydrant. § 87(2)(b) stated, "I'm waiting for my pizza." Upon request of license to drive he picked up his daughter and started walking into the restaurant stating, "You can't touch me. I have my daughter in my hands. I'll sue you."

Summonses

PO Alfieri issued two parking summonses to § 87(2)(b) (encl. 4h). Summons number § 87(2)(b) was for double parking and summons number § 87(2)(b) was for parking at a fire hydrant.

CCRB Statement

PO Alfieri was interviewed at the CCRB on Thursday, August 2, 2012 (encl. 5d-5f). On the date of the incident, PO Alfieri was travelling northbound on Broad Street when he observed a parked car facing southbound in the traffic lane. This took place very close to, if not directly in front of, Three Brother's Pizzeria. PO Alfieri tooted his siren to give the driver an opportunity to move the vehicle. PO Alfieri saw that no one was inside the car, but an individual that he would later identify as § 87(2)(b) began walking towards the car from the sidewalk, bouncing a basketball. PO Alfieri asked § 87(2)(b) to move the vehicle and may have said, "You have to move the car, you're double parked." § 87(2)(b) did not respond. PO Alfieri decided to issue the vehicle a parking summons.

PO Alfieri made a U-turn by which time, approximately ten seconds later, § 87(2)(b) was in his car and was in the process of moving it. § 87(2)(b) then moved his car so he was in the parking lane, three feet from a fire hydrant, and parked the car even though there were available legal parking spots up the block and down the street. § 87(2)(b) exited his vehicle.

PO Alfieri parked the patrol car, walked to the front of § 87(2)(b)'s vehicle and began to issue a summons. § 87(2)(b) yelled, "Why are you issuing me a summons?! I moved it!" PO Alfieri responded, "Well, sir, you are on a fire hydrant and you are not supposed to be on a hydrant." § 87(2)(b) said, "I'm waiting for my pizza." PO Alfieri responded, "That is not a good excuse to be on a hydrant." PO Alfieri continued to issue the summons and § 87(2)(b) began to demean PO Alfieri by yelling obscenities that PO Alfieri could not recall, but could have included calling PO Alfieri a "pig." PO Alfieri wrote the second summons and needed to enter § 87(2)(b)'s name on the summonses, due to the fact that the driver of the vehicle was present at the time they were being issued. PO Alfieri did not say, "Just back the fuck up" to § 87(2)(b) at any time, nor did he recall if any other officer said this to § 87(2)(b).

PO Alfieri asked § 87(2)(b) for his name, which § 87(2)(b) refused to provide. PO Alfieri asked § 87(2)(b) for his driver's license and § 87(2)(b) responded, "I don't have to give you shit." PO Alfieri walked to the sidewalk where § 87(2)(b) was standing and said, "Sir, again, I need your license. You were driving the vehicle and now technically you are an unlicensed driver if you are going to say you don't have a license." § 87(2)(b) responded, "I have a license, but I don't have to give you shit."

SGT Clemenza exited the patrol car and stood on the other side of § 87(2)(b). PO Alfieri does not remember if SGT Clemenza interacted with § 87(2)(b) at this time or any time during the incident. At this point, several people had gathered in front of the pizzeria to watch the interaction between § 87(2)(b) and PO Alfieri. Also present was § 87(2)(b)'s daughter, a child of approximately six years of age. PO Alfieri said to § 87(2)(b) "Sir, I need your license or I'm going to have to take you to the stationhouse to identify you. Now, I'm going to give you a summons for unlicensed driving." § 87(2)(b) scooped up his daughter with his left arm and began walking into the pizzeria. PO Alfieri walked towards § 87(2)(b) who said, "You can't touch me, I have my daughter in my hands." PO Alfieri felt upset that § 87(2)(b) grabbed his daughter in the process of being issued a parking ticket. PO Alfieri grabbed § 87(2)(b)'s right arm by putting his left hand around § 87(2)(b)'s bicep and his right hand around § 87(2)(b)'s wrist in efforts to keep

§ 87(2)(b)'s arm stiff. § 87(2)(b) clenched his body. PO Alfieri said, "Sir, drop your daughter, please, before you put her in any danger. Drop your daughter." § 87(2)(b) put down his daughter.

PO Alfieri, after ensuring that § 87(2)(b)'s daughter was safely on the ground, said, "I need your license or I'm going to put you under arrest." § 87(2)(b) responded, "It's in the car." PO Alfieri said, "Okay, show me where it is in the car." § 87(2)(b) responded, "It's in the glove compartment." PO Alfieri took him by the arm and walked him over to the car. On the walk to the car, every time § 87(2)(b) took a step, he jerked back, to which PO Alfieri responded, "Keep going." § 87(2)(b) opened the car door and opened the glove compartment. PO Alfieri jerked § 87(2)(b) back a small distance by his arm and said, "I'll take care of it from here on. Where is it?" PO Alfieri wanted to retrieve the license himself in the event that § 87(2)(b) whose behavior was combative, had a weapon in his glove compartment. § 87(2)(b) pointed to the wallet and said, "It's that wallet right there." PO Alfieri released § 87(2)(b)'s arm, which he felt comfortable doing because SGT Clemenza had moved right behind him. PO Alfieri took the wallet, which was in plain view, out of the glove compartment and asked § 87(2)(b) "Where's your license?" PO Alfieri opened up the wallet. § 87(2)(b) said, "It's right there." PO Alfieri took § 87(2)(b)'s license out of his wallet. PO Alfieri did not retrieve anything else from the wallet. PO Alfieri returned to the other side of § 87(2)(b)'s vehicle, where he could keep § 87(2)(b) and SGT Clemenza in view, and proceeded to fill out the rest of the information requested on the summonses, which took no more time than one minute. They were not standing together, but § 87(2)(b) was in the area and SGT Clemenza was standing by.

At some point during the incident, PO Alfieri did not recall when, two patrol cars arrived in response to a call for backup that SGT Clemenza made. PO Alfieri recalled seeing at least two other police officers at the incident, but he did not recognize them. PO Alfieri handed the summonses to § 87(2)(b) entered his patrol car with SGT Clemenza and left.

Witness Officer: SERGEANT ROBERT CLEMENZA

- *SGT Clemenza is a § 87(2)(b) old white male who stands § 87(2)(b).*
- *On the date of the incident, SGT Clemenza was assigned to patrol with PO Alfieri. He was on duty from 2:50 p.m. to 11:47 p.m., was in uniform, and was assigned to a marked car.*

Memo Book

SGT Clemenza noted in his memo book (encl. 5g-5i) that at 4:33 p.m., a car was stopped at Broad Street and Gordon Avenue. SGT Clemenza noted that 2 "A" summonses were issued to § 87(2)(b) for double parking and blocking a hydrant in front of 191 Broad Street.

CCRB Statement

SGT Clemenza was interviewed at the CCRB on August 1, 2012 (encl. 5j-5k). On June 18, 2012, at approximately 4:33 p.m., SGT Clemenza was in the passenger seat of a patrol vehicle being operated by PO Michael Alfieri driving on Broad Street, a two-way street, when they noticed a double parked vehicle. Every parking spot was filled and this vehicle was parked next to another vehicle. SGT Clemenza did not recall what direction they were headed on Broad Street. SGT Clemenza did not recall where exactly on Broad Street they saw the double parked vehicle, but thought that one of the cross streets was Gordon Street.

Either SGT Clemenza or PO Alfieri turned on the siren for a brief moment and waited approximately one minute. No one returned to the vehicle so SGT Clemenza and PO Alfieri exited the patrol vehicle and PO Alfieri walked to the double parked vehicle and proceeded to write a summons for double parking. SGT Clemenza stood on the passenger side of the double parked vehicle. An individual he would later identify as § 87(2)(b) exited a pizzeria identified via the investigation as Three Brothers Pizzeria as soon as PO Alfieri began writing the summons.

§ 87(2)(b) approached PO Alfieri and asked why he was being written a summons and PO Alfieri explained that § 87(2)(b)'s vehicle was double parked. SGT Clemenza described § 87(2)(b)'s behavior at this time as irrational and irate because he was yelling and cursing, but SGT Clemenza did not recall what was said. PO Alfieri did not respond to what § 87(2)(b) was saying, but instead continued writing the summons. SGT Clemenza never heard PO Alfieri say, "Just back the fuck up."

SGT Clemenza stepped in between PO Alfieri and § 87(2)(b) and said, "Sir let's go back to the sidewalk, let me talk to you. I'll explain to you why he's writing the summons." SGT Clemenza escorted § 87(2)(b) to the sidewalk to try to calm him down and explained to § 87(2)(b) why he was receiving a summons. On the way to the sidewalk, § 87(2)(b) continued cursing, yelling and attempting to draw a crowd, but SGT Clemenza did not recall what was said. Later in the CCRB interview, SGT Clemenza stated that § 87(2)(b) said, "This is bullshit." § 87(2)(b) approached PO Alfieri for a second time and SGT Clemenza again stepped in between PO Alfieri and § 87(2)(b). SGT Clemenza said to § 87(2)(b) "I'm not going to say it again, let's go to the sidewalk, let's talk. He's doing his job, I'll explain to you what's going on." SGT Clemenza escorted § 87(2)(b) back to the sidewalk for the second time to allow PO Alfieri to finish writing the summons. Neither SGT Clemenza or PO Alfieri made physical contact with § 87(2)(b). Neither PO Alfieri or any other police officer searched § 87(2)(b)'s wallet or vehicle.

Civilians were present for this interaction but PO Alfieri did not recall how many or who. As PO Alfieri was finishing writing the ticket, another patrol car stopped momentarily to ask PO Alfieri and SGT Clemenza if everything was okay and they affirmed that everything was fine. This patrol car then drove away. SGT Clemenza did not know who these officers were. PO Alfieri finished writing the summons, which took him approximately five minutes, and handed it to § 87(2)(b). SGT Clemenza and PO Alfieri entered their patrol vehicle and left the scene.

Witness Officer: PO DANIEL KEATING

- *PO Keating is a § 87(2)(b)*
- *On the date of the incident, PO Keating was assigned to sectors A and B with PO George Martine. He was on duty from 3:00 p.m. to 11:35 p.m., was in uniform, and was assigned to marked car number 3141.*

Memo Book

PO Keating had no entries in his memo book (encl. 5l-5m) regarding this incident.

CCRB Statement

PO Keating was interviewed at the CCRB on October 10, 2012 (encl. 5n-5o). On the date of the incident, PO Keating was filling out an accident report at Ellington Street and Targee Street in Staten Island. PO Keating recalled that he responded to a call for backup over the radio. PO Keating stopped filling out the accident report, got into his vehicle with PO Martine and drove to the location of the incident at 180 Broad Street, which took under one minute.

PO Keating arrived and observed PO Alfieri in front of a car, filling out his memo book. PO Keating did not recall if PO Alfieri was with a civilian or interacting with a civilian. Upon viewing a photograph of § 87(2)(b) taken at the CCRB (encl. 4d), PO Keating did not recall if he saw him at the scene of the incident. PO Keating observed two other police cars beside his own at the incident, but did not recall the numbers of these police vehicles what other officers he observed besides PO Alfieri.

PO Keating was in his car for five to ten seconds before turning around and leaving, as the call for backup had already been cancelled over the radio.

Summons for Incident and Disposition

- On October 3, 2012, § 87(2)(b) had an outstanding debt of \$120.00 for parking summons § 87(2)(b).
- On October 3, 2012, § 87(2)(b) had no outstanding debt for parking summons number § 87(2)(b).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of October 3, 2012, with regard to the incident (encl. 10a).

§ 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2a).

Subject Officer(s) CCRB History

- PO Michael Alfieri has been a member of the service for five years and there is one substantiated CCRB allegation against him.
 - § 87(2)(g), § 87(4-b)

Conclusion

Identification of Subject Officer

- PO Alfieri acknowledged interacting with § 87(2)(b)

Allegations Not Pled

- § 87(2)(b) alleged that when he refused to provide his identification the first time, which is undisputed, PO Alfieri yanked his arm and the back of his shirt. PO Alfieri stated that he took hold of § 87(2)(b)'s arm to lead him to his vehicle to get him to provide his driver's license. As the force used by PO Alfieri was in efforts of gaining § 87(2)(b)'s compliance and was minimal, the allegation was not pled.

Investigative Findings and Recommendations

Allegation A: Discourtesy: PO Michael Alfieri spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that during this incident, PO Alfieri told him to "back the fuck up," which PO Alfieri denied. § 87(2)(g)

Allegation B: Abuse: PO Michael Alfieri searched the car in which § 87(2)(b) was an occupant.

